IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

**WA.No. 784 of 2007()**
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**AGAINST THE JUDGEMENT IN WPC.24559/2006 Dated 16/11/2006**
**.....**

APPELLANT: 3RD RESPONDENT
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AMBALLOOR JANATHA SERVICE CO-OPERATIVE
BANK LTD., NO.19, AMBALLOOR P.O., PIN: 682 315,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.ASOK M.CHERIAN

RESPONDENTS/ PETITIONER AND RESPONDENTS 1 & 2 IN THE WP(C):
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1. P.N.DAMODARAN, S/O.NARYANAN,
AGED 71 YEARS, PULARIKUZHIYIL HOUSE,
MAARITHAZHAM P.O., KANJIRAMATTAM, ERNAKULAM DIST.

2. THE JOINT REGISTRAR (GENERAL),
OFFICE OF THE JOINT REGISTRAR FOR CO-OPERATIVE
SOCIETIES, ERNAKULAM.

3. INSPECTOR OF CO-OPERATIVE SOCIETIES,
ARBITRATION AND EXECUTION, KANAYANOOR, COCHI-16.

BY ADV. SRI.C.A.CHACKO
BY SPECIAL GOVERNMENT PLEADER FOR CO-OPERATIVE SOCIETIES
SMT. A.G. ANEETHA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L. DATTU, C.J. & K.T. SANKARAN, J.**

**.....**

**W.A. No. 784 OF 2007**

**.....**

**Dated this the 13th June, 2007**

**J U D G M E N T**

**H.L. Dattu, C.J.:**

Challenging the correctness or otherwise of the judgment of the learned single Judge in W.P ( C ) No. 24559 of 2006, dated 16th November, 2006, the third respondent in the Writ Petition has filed this appeal.

2. The petitioner in the Writ Petition was before this Court seeking for the following directions:

*i) A direction to the second respondent to consider Ext.P1 based on Ext.P2 letter of the 1st respondent*

*ii) A direction to the 3rd respondent to permit the petitioner to pay back the actual balance amount due to it within 6 months by absolving him from payment of interest and re-convey the property in his name.*

*iii) A direction to the 3rd respondent not to put the properties mortgaged by the petitioner in public auction and not to evict him and his family from the said properties.*

3. After service of notice on all the respondents, the matter was posted before the court on 16th November, 2006.

4. Learned counsel appeared for the 3rd respondent-Bank had in fact conceded to all the prayers made in the Writ Petition . Taking note

of the concessions so made by the 3rd respondent, the learned single Judge had passed the impugned judgment dated 16th November, 2006.

5. The orders passed by a Judge of this court cannot be questioned as a matter of right in a Writ Appeal. Nobody had asked the learned counsel who had appeared for the 3rd respondent to give the concession, before the single Judge. In fact, the learned single Judge in his order had noticed that the learned counsel who had appeared for the 3rd respondent, on instructions, was making submissions before the court. Since the order passed by the learned single Judge is based on the concession given by the counsel for the 3rd respondent, in our opinion, interference with the orders passed by the learned single Judge is not called for. Accordingly, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

**H.L. DATTU,**
**CHIEF JUSTICE.**

**K.T. SANKARAN,**
**JUDGE.**

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